

**CONTRACTS WITH AND TRAINING FOR GOVERNMENTAL  
ENTITIES AND VENDORS, INCLUDING PURCHASING AND  
CONTRACT MANAGEMENT TRAINING; AUTHORIZING FEES**

**CHAPTER 526**

S.B. No. 255

**AN ACT**

relating to contracts with and training for governmental entities and vendors, including purchasing and contract management training; authorizing fees.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 656.047, Government Code, is amended by adding Subsection (c) to read as follows:

(c) *A state agency that spends more than \$5,000 in a state fiscal year for a training or education program for any individual administrator or employee shall, not later than August 31 of that year, submit to the Legislative Budget Board a report including:*

- (1) a list of the administrators and employees participating in a training or education program;*
- (2) the amount spent on each administrator or employee; and*
- (3) the certification earned by each administrator or employee through the training or education program.*

SECTION 2. Subchapter C, Chapter 656, Government Code, is amended by adding Sections 656.054 and 656.055 to read as follows:

**Sec. 656.054. PURCHASING AND CONTRACT MANAGEMENT TRAINING BY COMPTROLLER.** (a) *The comptroller shall develop training programs provided by the comptroller under this subchapter to meet the needs of state agencies.*

(b) *Each year a state agency shall estimate the number of employees requiring purchasing or contract management training and report the anticipated training needs of the state agency to the comptroller in the manner and form prescribed by the comptroller.*

(c) *On an annual basis the comptroller shall assess the number of employees requiring purchasing or contract management training and shall maintain a regular schedule of classes to accommodate that number.*

(d) *The comptroller may use staff or contract with private or public entities, including state agencies, to conduct the training.*

(e) *The comptroller may assess a fee for a training program, including continuing education and certification, in an amount sufficient to recover the costs incurred by the comptroller to provide the training program under this subchapter.*

**Sec. 656.055. PURCHASING AND CONTRACT MANAGEMENT TRAINING BY AGENCY.** (a) *A state agency, in consultation with the comptroller, may develop agency-specific purchasing and contract management training programs to be administered by the agency to the agency's employees instead of or as a supplement to training programs developed by the comptroller under this subchapter.*

(b) *An employee who participates in an agency-specific training program under this section remains subject to any other applicable certification requirements established for training programs under this subchapter, including written or oral examinations administered by the comptroller.*

SECTION 3. Sections 2054.057, 2155.078, 2262.053, and 2262.0535, Government Code, are transferred to Subchapter C, Chapter 656, Government Code, redesignated as Sections 656.050, 656.051, 656.052, and 656.053, Government Code, and amended to read as follows:

**Sec. 656.050 [2054.057]. TRAINING IN CONTRACT NEGOTIATION FOR PURCHASES OF INFORMATION RESOURCES TECHNOLOGIES.** (a) *In this section:*

- (1) *"Department" means the Department of Information Resources.*

(2) "Information resources technologies" has the meaning assigned by Section 2054.003.

(a-1) The department, with the cooperation of the comptroller and other appropriate state agencies, shall develop and implement a program to train state agency personnel in effectively negotiating contracts for the purchase of information resources technologies.

(b) The department shall make the training available to state agency personnel who are directly or indirectly involved in contract negotiations, such as senior or operational management, purchasers, users of the purchased technologies, and personnel with relevant technical, legal, or financial knowledge. *State agency personnel directly involved in contract negotiations for the purchase of information resources technologies shall complete the training developed by the department.*

(c) The department shall include in the training:

(1) information on developing a structured purchasing method that meets an agency's needs;

(2) information drawn from the state's previous procurement experience about what is or is not advantageous for the state;

(3) the perspective of state agencies with oversight responsibilities related to the state's procurement of information resources technologies; ~~and~~

(4) *information on how to use contracts entered into by the department under Section 2157.068; and*

(5) other information that the department considers to be useful.

(d) The department may use its own staff or contract with private entities or other state agencies to conduct the training.

**Sec. 656.051 [2155.078]. TRAINING AND CERTIFICATION OF STATE AGENCY PURCHASING PERSONNEL AND VENDORS.** (a) The *comptroller* ~~[commission]~~ shall establish and administer a system of training, continuing education, and certification for state agency purchasing personnel. The training and continuing education for state agency purchasing personnel must include ethics training. The *comptroller* ~~[commission]~~ may establish and offer appropriate training to vendors on a cost recovery basis. The *comptroller* ~~[commission]~~ may adopt rules to administer this section, ~~including rules relating to monitoring a certified purchaser's compliance with the continuing education requirements of this section~~.

(b) ~~[(a-1)]~~ The training, continuing education, and certification required under Subsection (a) must include:

(1) training on the selection of an appropriate procurement method by project type; and

(2) training conducted by the Department of Information Resources on purchasing technologies.

(c) ~~[(b)]~~ Notwithstanding Subsection (i) ~~[(a)]~~, all state agency purchasing personnel, including agencies exempted from the purchasing authority of the *comptroller* ~~[commission]~~, must receive the training and continuing education to the extent required by the *comptroller* ~~[rule of the commission]~~. ~~The training and continuing education must include ethics training~~. A state agency employee who is required to receive the training may not participate in purchases by the employing agency unless the employee has received the required training or received equivalent training from a national association recognized by the *comptroller* ~~[commission]~~. ~~The equivalent training may count, as provided by Subsection (k), toward the continuing education requirements.~~

~~[(c)]~~ The ~~commission~~ shall set and collect a fee from state agencies that employ purchasing personnel. ~~The commission shall set the fee in an amount that recovers the commission's costs under this section.~~

(d) The *comptroller* ~~[commission]~~ may provide training, continuing education, and certification under this section to purchasing personnel employed by a political subdivision or other public entity of the state. Political subdivision purchasing personnel may

receive, but are not required to receive, the training, continuing education, or certification provided under this section. ~~[The commission shall collect the fees described by Subsection (c) for training, education, or certification under this subsection.]~~

~~(e) [The commission may provide training and continuing education under this section using its own personnel or through contracts with private entities. The commission may also, by agreement with a public entity, use the services of persons employed by the public entity to provide training and continuing education under this section.]~~

~~[(f) The commission shall provide at least three levels of training under this section.]~~

~~[(g)]~~ The ~~[basic]~~ training provided by the comptroller ~~[level]~~ must include instruction in:

- ~~(1) [an introduction to] contract purchasing methods;~~
- ~~(2) [;] ethical issues affecting purchasing decisions;~~
- ~~(3) negotiation methods;~~
- ~~(4) writing specifications;~~
- ~~(5) the criteria for determining which product or service offers the best value for the state;~~
- ~~(6) developing evaluation criteria;~~
- ~~(7) formal and informal bidding methods;~~
- ~~(8) complex negotiations;[;] and~~
- ~~(9) [instruction in] any other processes and issues that the comptroller [commission] considers appropriate for [introductory] purchasing training.~~

~~(f) [(h)] The second training level must include advanced instruction in formal and informal bidding methods, introduction to negotiation methods, instruction in writing specifications, and instruction in any other processes and issues that the commission considers appropriate for the second level of purchasing training.~~

~~[(i)] The third training level must include an introduction to complex negotiations, instruction in the criteria for determining which product or service offers the best value for the state, and instruction in any other processes and issues that the commission considers appropriate for advanced purchasing training.~~

~~[(j)]~~ The comptroller ~~[commission]~~ may prescribe the circumstances under which a state agency may delegate to a certified purchaser signature purchasing authority to approve purchase orders.

~~(g) [(k)]~~ The comptroller ~~[commission]~~ shall require a reasonable number of hours of continuing education to maintain ~~[a]~~ certification ~~[level]~~. The comptroller ~~[commission]~~ may allow attendance at equivalent certification training recognized by the comptroller ~~[commission]~~ to count toward the required number of hours. Maintenance of ~~[the]~~ certification ~~[level]~~ may be by yearly renewal or another reasonable renewal period comparable to nationally recognized certification requirements. *The comptroller shall adopt rules to monitor compliance with this subsection.*

~~(h)~~ The comptroller shall certify a state agency employee as a state agency purchaser when the employee has:

- ~~(1) completed the training required by this section or as prescribed by rule; and~~
- ~~(2) passed a written examination.~~

~~(i) [(l)] The commission's prerequisites for receiving a level-two purchaser certification must include completion of the basic training level, passage of a written examination, and a minimum number of years of purchasing experience prescribed by the commission.~~

~~[(m)] The commission's prerequisites for receiving a level-three purchaser certification must include completion of the second training level, passage of a written examination, and a minimum of three years of purchasing experience.~~

~~[(n)]~~ This section does not apply to an institution to which Section 51.9335, Education

Code, applies or to an institution to which Section 73.115, Education Code, applies.

Sec. 656.052 [~~2262.053~~]. TRAINING AND CERTIFICATION FOR CONTRACT MANAGERS. (a) *In this section:*

(1) *"Contract management guide" means the guide developed under Section 2262.051.*

(2) *"Contract manager" has the meaning assigned by Section 2262.001.*

(a-1) In coordination with the Department of Information Resources, state auditor, and Health and Human Services Commission, the comptroller shall develop a training program for contract managers.

(b) The training must provide the contract manager with information regarding how to:

- (1) fairly and objectively select and negotiate with the most qualified contractor;
- (2) establish prices that are cost-effective and that reflect the cost of providing the service;
- (3) include provisions in a contract that hold the contractor accountable for results;
- (4) monitor and enforce a contract;
- (5) make payments consistent with the contract;
- (6) comply with any requirements or goals contained in the contract management guide; ~~and~~
- (7) use and apply advanced sourcing strategies, techniques, and tools;
- (8) *maintain required documentation for contracting decisions, changes to a contract, and problems with a contract;*
- (9) *create a risk evaluation and mitigation strategy;*
- (10) *create a plan for potential problems with the contract;*
- (11) *develop an accurate and comprehensive statement of work; and*
- (12) *complete the contract and evaluate performance under the contract.*

(c) Each state agency shall ensure that the agency's contract managers complete the training developed under this section.

(d) The comptroller shall administer training under this section and may assess a fee for the training in an amount sufficient to recover the comptroller's costs under this section.

(e) The comptroller shall certify contract managers who have completed the contract management training required under this section.

(f) A state agency may develop qualified contract manager training to supplement the training required under this section. The comptroller may incorporate the training developed by the agency into the training program under this section.

(g) *The comptroller shall adapt the training required under this section and administer an abbreviated training program meeting the relevant training requirements under this section for state agency employees, other than contract managers, with contract management duties.*

(h) *This section does not apply to:*

(1) *an institution of higher education as defined by Section 61.003, Education Code; or*

(2) *a contract manager whose contract management duties relate primarily to contracts described by Section 2262.002(b).*

Sec. 656.053 [~~2262.0535~~]. TRAINING FOR GOVERNING BODIES. (a) *In this section, "state agency" has the meaning assigned by Section 2056.001.*

(a-1) The comptroller shall adapt the program developed under Section 656.052 [~~2262.053~~] to provide an abbreviated program for training the members of the governing

bodies of state agencies. The training may be provided together with other required training for members of state agency governing bodies.

(b) All members of the governing body of a state agency shall complete at least one course of the training provided under this section. This subsection does not apply to a state agency that does not enter into any contracts.

(c) The comptroller may assess a fee for the training provided under this section in an amount sufficient to recover the comptroller's costs under this section.

(d) *This section does not apply to the Texas Transportation Commission.*

SECTION 4. Section 2056.002(b), Government Code, is amended to read as follows:

(b) The Legislative Budget Board and the *governor's office* [~~Governor's Office of Budget, Policy, and Planning~~] shall determine the elements required to be included in each agency's strategic plan. Unless modified by the Legislative Budget Board and the *governor's office* [~~Governor's Office of Budget, Policy, and Planning~~], and except as provided by Subsection (c), a plan must include:

- (1) a statement of the mission and goals of the state agency;
- (2) a description of the indicators developed under this chapter and used to measure the output and outcome of the agency;
- (3) identification of the groups of people served by the agency, including those having service priorities, or other service measures established by law, and estimates of changes in those groups expected during the term of the plan;
- (4) an analysis of the use of the agency's resources to meet the agency's needs, including future needs, and an estimate of additional resources that may be necessary to meet future needs;
- (5) an analysis of expected changes in the services provided by the agency because of changes in state or federal law;
- (6) a description of the means and strategies for meeting the agency's needs, including future needs, and achieving the goals established under Section 2056.006 for each area of state government for which the agency provides services;
- (7) a description of the capital improvement needs of the agency during the term of the plan and a statement, if appropriate, of the priority of those needs;
- (8) identification of each geographic region of this state, including the Texas-Louisiana border region and the Texas-Mexico border region, served by the agency, and if appropriate the agency's means and strategies for serving each region;
- (9) a description of the training of the agency's contract managers under Section 656.052 [~~2262.052~~];
- (10) an analysis of the agency's expected expenditures that relate to federally owned or operated military installations or facilities, or communities where a federally owned or operated military installation or facility is located;
- (11) an analysis of the strategic use of information resources as provided by the instructions prepared under Section 2054.095; and
- (12) other information that may be required.

SECTION 5. Sections 2252.908(c) and (e), Government Code, are amended to read as follows:

(c) Notwithstanding Subsection (b), this section does not apply to:

- (1) a sponsored research contract of an institution of higher education;
- (2) an interagency contract of a state agency or an institution of higher education;  
[or]
- (3) a contract related to health and human services if:
  - (A) the value of the contract cannot be determined at the time the contract is executed; and

(6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the  
\_\_\_\_\_ day of \_\_\_\_\_,  
(Month) (Year)

(2) a transportation authority *operating* [created] under Chapter 451, 452, 453, or 460, Transportation Code, *other than a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, in which the principal municipality has a population of 1.9 million or more;*

(3) any telecommunications, cable television, video service, or broadband infrastructure other than technology installed as part of a qualifying project that is essential to the project; or

(4) except as provided by Section 2165.259, a qualifying project located in the Capitol Complex, as defined by Section 443.0071.

SECTION 8. (a) Not later than February 1, 2018, the comptroller of public accounts shall adopt rules to implement Section 656.051, Government Code, as transferred, redesignated, and amended by this Act.

(b) Section 656.051, Government Code, as transferred, redesignated, and amended by this Act, applies only to an application for certification under that section that is submitted on or after March 1, 2018. An application submitted before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 9. Section 2252.908, Government Code, as amended by this Act, applies only to a contract entered into or amended on or after January 1, 2018.

SECTION 10. This Act takes effect September 1, 2017.

Passed the Senate on May 8, 2017: Yeas 28, Nays 3; the Senate concurred in House amendments on May 26, 2017: Yeas 27, Nays 4; passed the House, with amendments, on May 24, 2017: Yeas 141, Nays 2, two present not voting.

Approved June 9, 2017.

Effective September 1, 2017.

## HANDGUN PROFICIENCY REQUIRED TO OBTAIN OR RENEW A LICENSE TO CARRY A HANDGUN

### CHAPTER 527

S.B. No. 263

#### AN ACT

**relating to the handgun proficiency required to obtain or renew a license to carry a handgun.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 411.188(a), Government Code, is amended to read as follows:

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun [~~of .32 caliber or above~~]. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor.

SECTION 2. The change in law made by this Act applies only to an application to obtain or renew a license to carry a handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.